

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action dated May 26, 2010. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested. Claims 1-3 and 5-21 are pending in the Application. Claims 1, 2, 14 and 18 are independent claims.

In the Final Office Action, claims 1-3 and 5-21 are rejected under 35 U.S.C. §112, first paragraph. In response, the claims are amended to revert to the term "axial focus" as suggested by the Final Office Action. Accordingly, it is respectfully, requested that this rejection be withdrawn.

Claims 2, 3, 5-9, 13, 20 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, the claims are amended to remove the term "may also" as suggested by the Office Action. Accordingly, is respectfully, requested that this rejection be withdrawn.

Claims 14, 15 and 17-19 are rejected under 35 U.S.C. §102(b) over Japanese Patent Publication No. 2004-079103 to Harada ("Harada"). Claims 1-7 and 11-13 are rejected under 35 U.S.C. §103(a) over European Patent Publication No. 1154412 to Kono ("Kono"). Claims 8 and 9 are rejected under 35 U.S.C. §103(a) over Kono in view of Harada. Claim 10 is rejected under 35 U.S.C. §103(a) over Kono in view of Harada in further view of U.S. Patent Publication No. 2002/0101803 to Hayashi ("Hayashi"). The rejection of claims 1-3 and 5-19 is respectfully traversed. It is respectfully submitted that claims 1-3 and 5-21 are allowable over Kono, Harada or Hayashi, alone or in view of any combination for at least the following reasons.

Kono states in paragraph [0026] the following (emphasis added):

A focus monitor 16 monitors an increase of an amplitude of a focus error signal issued by a focus error detector 7 and issues a light intensity reducing command signal to a light intensity controller 4 when the amplitude exceeds a specified reference.

Accordingly, in Kono a focus error is identified by an increase of an amplitude of a focus error signal issued by a focus error detector. Kono does not teach, disclose, or suggest a plurality of distinct input signals and where an axial focus displacement event is indicated when not one but two or more of these signals are in error.

Moreover, it is undisputed that Harada does not disclose two or more distinct input signals being in error (see, Final Office Action, page 4, last paragraph).

Accordingly, Kono and Harada do not disclose "a plurality of unique axial focus displacement error signals" where "detection of two or more of the plurality of distinct input signals indicates the axial focus displacement event" as recited in claim 1. In the specification of the present application, a plurality of input signals, such as signals 64b-64d are illustratively shown in FIGs. 4A and 4B, and are discussed throughout the specification.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kono. For example, Kono does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "monitoring a plurality of distinct input signals while focusing a write light beam in a focal spot at a target storage layer to detect an axial focus displacement event, an error on two or more of the plurality of distinct input signals indicating the axial focus displacement event; and inhibiting the writing process in case of the axial focus displacement event" as recited in claim 1, and as

similarly recited in each of claims 2, 14 and 18.

Hayashi is introduced for allegedly showing elements of a dependent claim and as such, does nothing to cure the deficiencies in Kono.

Based on the foregoing, Applicants respectfully submit that independent claims 1, 2, 14, and 18 are patentable over Kono and Harada and notice to this effect is earnestly solicited.

Claims 3, 5-13, 15-17, and 19-21 respectively depend from one of claims 1, 2, 14, and 18 and, accordingly, are allowable for at least these reasons as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response, and in particular, no Official Notices are conceded. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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